

REMARKS

The last Office Action of October 12, 2006 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 11-15, 17, 18, 21-25, 27, 28, 30-32 are pending in the application. Claim 11 has been amended. No claims have been canceled or added. An amendment to the specification has been made. No fee is due.

Claims 11-15, 17, 18, 21-25, 30-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,540,532 to Carder et al. in view of U.S. Pat. No. 5,511,923 to Dunstan.

Claims 27, 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carder et al. in view of Dunstan and further in view of Brickner, of record.

In order to clearly set forth the features of the present invention and to clearly distinguish the present invention from the applied prior art, applicant has amended claim 11 by more clearly set forth the positioning of the cargo in the transfer zone at a predetermined site and the removal of the cargo from this predetermined site to a position in the freight train. In other words, even though long-distance transportation means, i.e. freight trains, are involved which can have lengths of several hundred meters, the loading process can be implemented quickly and efficiently because the position of the cargo in the transfer zone is selected according to the projected position on the long-distance transportation means (cf. paragraph [0008], page 4, last six lines of the instant specification). As a result, there is no need to transport the cargo along the freight train as the cargo has already been pre-positioned in the transfer zone at the appropriate location. Loading times and residence times of a freight train can thus be significantly reduced.

The Carder reference discloses a cargo handling system, using an elevating transfer vehicle (80) which has a movable carriage (84) with a

cradle (86) which can be lifted or lowered, and a shuttle (88) which can be moved laterally in and out of the cradle to extend into a bay (42) of a storage rack (40). The shuttle travels along the storage rack to remove or place a container in a bay. Carder et al. fail to disclose a transfer zone that so interacts with a long-distance transportation means as to receive the cargo at a location commensurate with a location on the long-distance transportation means. It is this novel and inventive concept that applicant is desirous to protect. Therefore, the Examiner is mistaken to simply combine the Carder reference with the Dunston reference in order to produce the present invention and to note that the Dunston disclosure describes the placement of a container on a truck or a rail car. As outlined above, the present invention, as set forth in claim 11, is not merely directed to the loading and unloading of a long-distance transportation means but recites a correlation between a location in the transfer zone and a location on the long-distance transportation means.

For the reasons set forth above, it is applicant's contention that neither Carder et al. nor Dunston, taken alone or in combination, teaches or suggests the features of the present invention, as recited in claim 11.

As for the rejection of the retained dependent claims, these claims depend on claim 11, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Applicant has made an amendment to the specification to correct an obvious error in applicant's previous response. This change is self-explanatory and does not contain any new matter.

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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